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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,246	04/06/2006	Kouchirou Taniguchi	266004US0XPCT	5377
22850	7590	07/10/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
KRUER, KEVIN R				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
07/10/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

**Application No.**

10/525,246

**Applicant(s)**

TANIGUCHI ET AL.

**Examiner**

KEVIN R. KRUEER

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date 2/05, 10/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 10/23/05 and 10/31/07 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

3. The first sentence of the specification should be amended to state that the pending application is a national stage application of PCT/JP03/09248.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta et al (US 5,888,640) in view of WO/2001096490-Kijima et al (herein US 2004/0039117 is relied upon as an English translation thereof).

Marotta teaches a laminated film for heat shrinking comprising a core and skin layers on both sides of said core (col 7, lines 16+). The core layer comprises an isotactic polypropylene copolymer comprising 2-7wt% ethylene and having a melting

point of 125-150C (col 4, lines 22+). Said polymer is herein relied upon to read on claimed component (C). The core further comprises an atactic modifier in amounts of 10-99wt% (col 3, lines 52+). The skin layers comprise any biaxially orientable heat shrinkable film forming resin known in the prior art (col 6, lines 35+) such as ethylene polymers such as LLDPE, LDPE, or HDPE.

With regards to the limitation "for stretch wrapping" the examiner notes said limitation is a preamble intended use limitation that does not distinguish the claimed film from the prior art. Specifically, the prior art film is understood to be usable as a stretch wrap film since it comprises the same layers and the same compositions as the claimed film.

Marotta teaches the modifier may comprise 1-99wt% of the core but does not teach the core's modifier should comprise claimed components (B) and (D) in the claimed amounts. However, Kijima teaches an atactic polypropylene composition comprising 20-99mass% of a propylene based polymer satisfying the limitations of component (B) (abstract) and 80 to 1 mass% of an adhesive capacity applying resin comprising terpene or petroleum resin (0045) and hydrogenated derivatives thereof. It is noted that the commercial petroleum listed in Kijima (0045) meet the claimed softening point limitations of claim 5. Said composition is atactic and has superior adhesive properties. Thus, it would have been obvious to utilize the blend taught in Kijima as the atactic polypropylene taught in Marotta because said blend is atactic and would improve the adhesion between the core layer and the skin layers.

It is noted that the resulting core composition comprising 1-99wt% isotactic polypropylene and 99-1wt% of a 20:80-99:1 blend of components (B) and (D) is herein understood to render obvious the claimed compositions comprising the claimed amounts of (B), (C), and (D) since the ranges rendered obvious by the prior art are encompass the claimed ranges.

With regards to claim 6, said properties are herein understood to be latent properties of the film rendered obvious by the prior art since the prior art film comprises the same layers having the same compositions as the claimed film.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marotta et al (US 5,888,640) in view of WO/2001096490-Kijima et al (herein US 2004/0039117 is relied upon as an English translation thereof), as applied to claims above, and further in view of Bieler (US 4,127,688) or Warren (US 4,853,265).

Marotta in view of Kijima is relied upon as above, but does not teach the skin layer should comprise the claimed EVA. However, Bieler teaches that EVA copolymer having from 2-30wt% EVA is a known heat shrinkable olefinic composition. Marotta teaches said layer should have a melt flow of 5-10 (col 6, lines 53+). Furthermore, Warren teaches EVA as a skin layer for a heat shrinkable film. The EVA meets the claimed vinyl acetate content and melt flow rates (see examples). Thus, it would have been obvious to utilize the claimed EVA film as the skin layer taught in Marotta because said films are known in the art to be excellent heat shrinkable skin layers.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN R. KRUEER whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Krueer/

Primary Examiner, Art Unit 1794